

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: DAVID A. REPYNECK  
Debtor

: Chapter 13

USAA FEDERAL SAVINGS BANK  
Movant

: Bankruptcy No. 17-15975 PMM

- VS -

DAVID A. REPYNECK  
Debtor

SCOTT F. WATERMAN  
Trustee

:

**ANSWER TO MOTION OF USAA FEDERAL SAVINGS BANK  
FOR RELIEF FROM THE AUTOMATIC STAY UNDER SECTION 362**

1. Admitted.
2. Admitted.
3. Admitted. By way of further answer, as of January 20, 2021 the “interest bearing principal balance” was \$284,930.75. See Exhibit “A” Debtor paid \$5,159.88 between “12/19/2020 and 01/20/2021” See Exhibit “A”. Debtor has made additional payments since January 20, 2021 and has applied for a loan modification. The loan modification is pending.
4. Admitted.
5. Denied.
6. Denied. Strict proof thereof demanded at time of hearing.
7. Denied. =
8. Denied. Respondent disputes the loan history. See Exhibit “A”>.

9. Denied. To the contrary, Movant does not allege a lack of adequate protection of an interest in property of such party in interest. 11 USC Section 362. Debtor has equity in the Premises. *Id.* As stated in Schedule A, the Premises is valued at \$318,000. The Premises is necessary to an effective reorganization for Debtor and his family. Debtor recently submitted a Contributor Application, which should give Movant reasonable assurance of payment.
10. Denied as setting forth a legal conclusion to which no responsive pleading is required.

NEW MATTER

11. Debtor has been in discussions with USAA/Nationstar regarding his application for modification of the mortgage.
12. The review of the application for modification of the mortgage was delayed when USAA/Nationstar failed to email the Contributor Application to Debtor.
13. Debtor has completed the contributor forms as requested by USAA/Nationstar.

WHEREFORE Respondent requests an Order be entered striking the Motion for Relief and dismissing the request for \$850.00 in attorney's fees for preparing a Motion for Relief.

EASTBURN AND GRAY, P.C.

By: /s/ David L. Marshall  
David L. Marshall, Esquire  
Attorney for Debtor  
Attorney I. D. No. 19356  
Eastburn and Gray, P.C.  
60 East Court Street  
Doylestown, PA 18901  
(215)345-7000  
Fax No. 215-345-9142

Dated: February 25, 2021

**EXHIBIT "A"**



PO Box 818059  
5801 Postal Road  
Cleveland, OH 44181

A Subservicer for USAA Federal Savings Bank



1465 1 MB 0.439 T6 P1 AUTO 596470.3-NNNN-30512562

DAVID A REPYNECK  
2265 SILVER CREEK RD  
HELLERTOWN, PA 18055

## CONTACT INFORMATION

**Member Assistance Department: 855-480-9828**  
Monday through Friday from 7 a.m. to 7 p.m. (CT) and Saturday from 7 a.m. to 3 p.m. (CT)

[www.usaa.com](http://www.usaa.com)

Your Member Assistance Specialist is Jordan Pomeroy and can be reached at (855)-480-9828 or via mail at:  
Lake Vista 4, 800 State Highway 121 Bypass, Suite B,  
Lewisville, TX 75067

Statement Date:	01/20/2021
Loan Number:	1801377118
Payment Due Date:	02/01/2021
<b>Total Payment Amount:</b>	<b>\$14,174.12</b>

Property Address:  
2265 SILVER CREEK RD  
HELLERTOWN, PA 18055

Our records show that you are a debtor in bankruptcy. We are sending this statement to you for informational and compliance purposes only. It is not an attempt to collect a debt against you. If you want to stop receiving these statements, please contact us in writing at the address on the following page.

## Account Information

Interest Bearing Principal Balance	\$283,930.75
Interest Rate	3.750%
Escrow Balance	(\$9,004.94)
Prepayment Penalty	No

The Principal Balance does not represent the payoff amount of the account and is not to be used for payoff purposes.

## Explanation of Total Payment Amount (Post Petition Payment)

Principal	\$717.42
Interest	\$887.28
Escrow Amount (for Taxes and Insurance)	\$707.84
<b>Regular Monthly Payment</b>	<b>\$2,312.54</b>
Total Fees and Charges	\$25.00
Past Unpaid amount	\$13,921.16
Partial Payment (Unapplied)	\$2,084.58
<b>Total Payment Amount</b>	<b>\$14,174.12</b>

The payment amount does not include any amount that was past due before you filed for bankruptcy.

## Summary of Amounts Past Due Before Bankruptcy Filing (Pre Petition Arrearage)

This box shows amounts that were past due when you filed for bankruptcy. It may also include other allowed amounts on your mortgage loan. The Trustee is sending us the payments shown here. These are separate from your regular monthly mortgage payments.

Total Due at Filing	\$39,975.31
Amount Applied to Claim Arrears Last Month	\$0.00
Total Amount Applied to Claim Arrears	\$22,573.62
Current Balance	\$17,401.69

## Past Payments Breakdown

	Payments Rec'd Since 12/19/2020	Paid Year to Date
Principal	\$715.18	\$715.18
Interest	\$889.52	\$889.52
Escrow (Taxes & Insurance)	\$719.48	\$719.48
Fees and Charges	\$0.00	\$0.00
Lender Paid Expenses	\$0.00	\$0.00
Pre-Petition Partial (Unapplied)	\$751.12	\$1,444.72
Post-Petition Partial (Unapplied)	\$2,084.58	\$2,084.58
<b>Total</b>	<b>\$5,159.88</b>	<b>\$5,853.48</b>

## Transaction Activity (12/19/2020 to 01/20/2021)

Date	Description	Total	Principal	Interest	Escrow	Other
01/08/2021	Payment	\$2,324.18	\$715.18	\$889.52	\$719.48	
01/08/2021	Adjustment-Misc Suspense	-\$2,324.18				-\$2,324.18
01/08/2021	Partial Payment	\$2,312.54				\$2,312.54
01/08/2021	Adjustment-Misc Suspense	-\$2,312.54				-\$2,312.54

## Important Messages

(See Reverse side for Additional Critical Notices)

If you are sending additional funds to be applied towards any outstanding Fees, Lender Paid Expenses or items not listed as an "Additional" option on your payment coupon today, please include the request on a note separate from the attached coupon or payment method when sending in your payment. Please remember to review your account to ensure accuracy and give us a call if you have any questions.

Partial Payments refer to a payment less than your full monthly mortgage loan payment due that was received on your account. These funds are applied to, and held in, a separate non-interest bearing suspense account until the remaining funds are received to make a full monthly mortgage loan payment. In order to apply these funds to your mortgage loan you are required to send us the additional funds sufficient to equal a full monthly mortgage loan payment. The Unapplied Funds balance represents the amount of your funds which are being held in a non-interest bearing suspense account as of the date of this statement.

As shown above, your escrow account has a negative balance. This shortage in your escrow account may result in an increase in your monthly escrow payment.

"Lender Paid Expenses" are funds paid by Nationstar Mortgage LLC Subservicer for USAA Federal Savings Bank on your behalf to another company. These expenses may include, but are not limited to, Legal Fees, Property Taxes, Homeowners Insurance, and Property Inspections.

"Total Fees & Charges" include, but are not limited to, insufficient fund fees, or convenience fees. These fees & charges appear in the "Other" category of the Transaction Detail, if applied since the last billing cycle.

While an account is involved in a pending bankruptcy case, Nationstar Mortgage LLC Subservicer for USAA Federal Savings Bank does not offer an automatic payment option. Once the loan is no longer subject to a bankruptcy proceeding, you may contact Nationstar Mortgage LLC

Subservicer for USAA Federal Savings Bank to set up automatic payments.

If you no longer wish to receive a monthly statement, please send a written request to the following address:  
PO Box 613287 Dallas, TX 75261

If you later choose to resume delivery of a monthly statement, you must do so in writing to the same address. Please be aware that we cannot resume delivery of monthly statements if such delivery was halted by an order of the Bankruptcy Court.

If your Bankruptcy Plan or Local Rule requires you to send your regular monthly payments to the Trustee, please send your payments to the Trustee and not to us. Please contact your attorney or the Trustee if you have any questions.

We have not received all of your mortgage payments due since you filed for bankruptcy.

The fees listed herein may not be all recoverable fees disclosed to the Bankruptcy Court. Please refer to the Bankruptcy filing for the complete list of fees and costs.